

Before the FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

RECEIVED

NOV 21 1996

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

DOCKET FILE COPY ORIGINAL

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

COMMENTS OF Neal Ardman
General Manager, KKYK-LP
#1 Shackelford Drive, Suite 400
Little Rock, Arkansas 72211

KKYK is very concerned about the outcome of the Sixth Further Notice of Proposed Rule Making of the FCC regarding Advanced Television or DTV. KKYK has made a commitment to providing quality programming to the citizens of central Arkansas. Currently, KKYK provides nearly 300,000 households with local community programming that is unavailable from any other sources.

KKYK currently broadcasts more than 40 hours per week of unique local programming. The majority of this programming is live. In fact, KKYK produces more live local programming than any of the full power stations in central Arkansas. More than 100 local investors have contributed in excess of \$500,000 to make KKYK the voice of the people of central Arkansas. KKYK provides low-cost community access and allows special interest groups, small businesses, and individuals an opportunity to participate in local community television. Without KKYK in central Arkansas, there is no outlet for these groups to participate in free, over the air broadcasting.

The current ATV/DTV proposal as outlined in the Sixth Further Notice of Proposed Rule Making of the FCC would eliminate KKYK as an operating broadcast station. KKYK currently broadcasts on Channel 22. This channel has been assigned to the local ABC affiliate. Therefore, in the very near future, rather than KKYK broadcasting in excess of 40 hours of original local programming, the viewers in central Arkansas will have a chance to see ABC's programs in both the digitally and analog format. This is not what the residents of central Arkansas desire.

While we at KKYK believe that digital television has a future and we are interested and committed to converting to digital television at such time as the public is ready for it, we do not believe that the method that the FCC is proposing in the Sixth Further Notice is fair, equitable, nor is it in the best interest of all parties, including the consumers. There are several points that have not been considered by the FCC.

1. Although LPTV was set up as a secondary service, it was secondary to the existing analog broadcast signals. That does not mean that LPTV is secondary to any new services that are created. Providing two signals to each two full power stations was never one of the considerations when LPTV was formed.
2. The FCC completely ignored the existence of low power television in their allocation process. By simply looking at other alternatives, a majority of the low power stations, and in particular KKYK, would not be eliminated nor relocated to accommodate digital television in markets such as Little Rock. Failure to even consider LPTV is not a fair and equitable process.
3. The concept of providing a full power station a second channel at the expense of a small

No. of Copies rec'd 540
List A B C D E

business operation is in violation of general fairness principles. As I mentioned previously, more than 100 investors in central Arkansas have expended more than \$500,000 to build this station. We have invested this money plus our time and efforts and have created a station that not only provides a valuable service to central Arkansas, but also makes a profit. Taking away our channel and providing us no compensation for this is not a fair solution. We have expended money and effort into a small business that is now profitable and are threatened by extinction so that we can broadcast a duplicate second signal in a format that nobody in central Arkansas can currently pick up. This is a clear example of the exploitation of a small business by big business, lobbyist, and government bureaucracies.

LPTV is the affordable voice of the community. It is an inexpensive way for local businesses, people and minority groups to have access to free over the air television. Without LPTV, there will be no affordable access for these parties. The Sixth Further Notice fails to adequately protect the interest of these groups in an equitable manner, and is not in the best interest of the people of this country.

There are alternative solutions that would take into consideration low power television and allow the development of digital television and, in fact, actually speed the development process. For example, rather than try to assign a frequency to each full power station, authorize each full power station a second channel but do not specify which channel. The full power station then may apply for an open channel in their market on a first come, first serve basis. If no open channels are available, then the full power stations could select a LPTV channel and force a LPTV station to relocate. However, the full power station would have to compensate the LPTV station for all its costs incurred to date, and for its loss of revenues until the LPTV channel is reinstated back on the air. To prohibit full power stations from filing and locking up channels which they do not intend to use, the construction period for the digital television would be a relatively short time, perhaps 12 months or less without any extensions available. This would force them to move at a rapid pace once they filed for a channel. This process would also encourage full power stations to immediately begin the process of converting to digital television so that they could acquire an open channel that would not require them to compensate someone who is relocated. Since there are many stations that will not convert to digital in the foreseeable future, many of the currently allocated channels would not be needed and a majority of the LPTV stations could remain on the air. In addition, the FCC should allow LPTV stations to convert to digital and give them a primary status once they convert. In this manner, LPTV stations could be properly protected and adequately compensated if, in fact, they are forced to relocate or go off the air.

Prior to filing these comments, I was told by a knowledgeable individual that this proposal would not be acceptable to the FCC due to the fact that the FCC might have to decide between two or more full power applications competing for a single channel. I cannot believe this for two reasons. First of all, if full power stations are allowed to file on open channels that have an obligation to quickly build on the channel (six months or less), and applications are processed on a first come, first serve basis, there won't be many applications that conflict. Secondly, I do not believe that the FCC would ignore a solution that minimizes the impact on LPTV and translator owners simply to avoid having do their duty. One of the duties of the FCC is to fairly evaluate the situations and then make decision related to the communications industries. If the FCC is not willing to make decisions, then why do we have the Commission


In addition to the proposal that specific channels not be assigned to full power stations for the conversion process, KKYK endorses a consensus technical proposal which the Community Broadcasting Association (CBA) has put forth which would preserve the spectrum space for low power broadcasters and would protect full power broadcasters. In addition, we support the initiatives of the CBA on behalf of all community broadcasters which would eventually allow our inclusion into the digital broadcasting conversion. Further, we urge the FCC to preserve the commitment to the public interest on a truly local level by preserving broadcasters who truly serve

the local public interest and, in particular, those in which no broadcasting outlet serves on a continuous basis.

Wherefore, for the foregoing reasons, this petitioner respectfully requests that the Commission revise the rules and policies proposed in the Sixth Further Notice by incorporating the proposals written above and to help preserve low power broadcasters who serve the local public interest.

Respectfully submitted,

KKYK-LP



Neal Ardman
General Manager